

## US Army Corps of Engineers

Philadelphia District Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3390

ATTN: CENAP-OP-R

# **Public Notice**

Public Notice No.

Date

CENAP-OP-R-2006-6067-35

NOV 22 2006

Application No.

File No.

In Reply Refer to:

REGULATORY BRANCH

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

APPLICANT:

Borough of Point Pleasant Beach

AGENT:

Schoor DePalma

Justin Corporate Center 200 State Highway Nine

P.O. Box 900

Manalapan, New Jersey 07726-0900

Attn: Ryan Merritt

WATERWAY:

Lake Louise

LOCATION:

Portions of Lake Louise (Block 127, Lot 1), Point Pleasant Beach Borough,

Ocean County, New Jersey (see Enclosure 1).

ACTIVITY: The Borough of Point Pleasant has applied to hydraulically dredge portions of Lake Louise (see Enclosures 2 - 6). The proposed dredging, to a depth of -5' mean low water, would generate 32,000 cubic yards of material. The dredged material, which is comprised of 83% sand (on average), would be pumped via a submerged pipeline to confined disposal facility located on Gull Island. Gull Island is located near the mouth of Lake Louise on the Manasquan River.

Current depths within the lake range from -2' to -5' MLW. The proposed target depth within the area to be dredged is -5' MLW. Numerous docks with moored vessels line the perimeter of Lake Louise. According to information supplied by the Borough, drafts of boat utilizing the lake range from 1.3' to 4'.

According to information obtained from our records and from the Borough, the Lake was last dredged in the late 1940's and the channel in the 1960' and 1970's.

PURPOSE: The applicant's stated project purpose is to provide adequate and safe depths for navigation of Lake Louise.

A preliminary review of this application indicates that the proposed work would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work should be submitted, in writing, within 15 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded. or undertaken by the agency that may adversely effect Essential Fish Habitat (EFH). A preliminary assessment of the species listed in the "Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware", dated March 1999, specifically page 14, indicates that the dredging would adversely affect Winter Flounder (Pseudopleuronectes americanus) eggs and larvae during dredging. A conservation recommendation to mitigate for the adverse affect would be to exclude dredging between January 1 to May 31 of any given year.

In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact of the proposed and/or existing activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

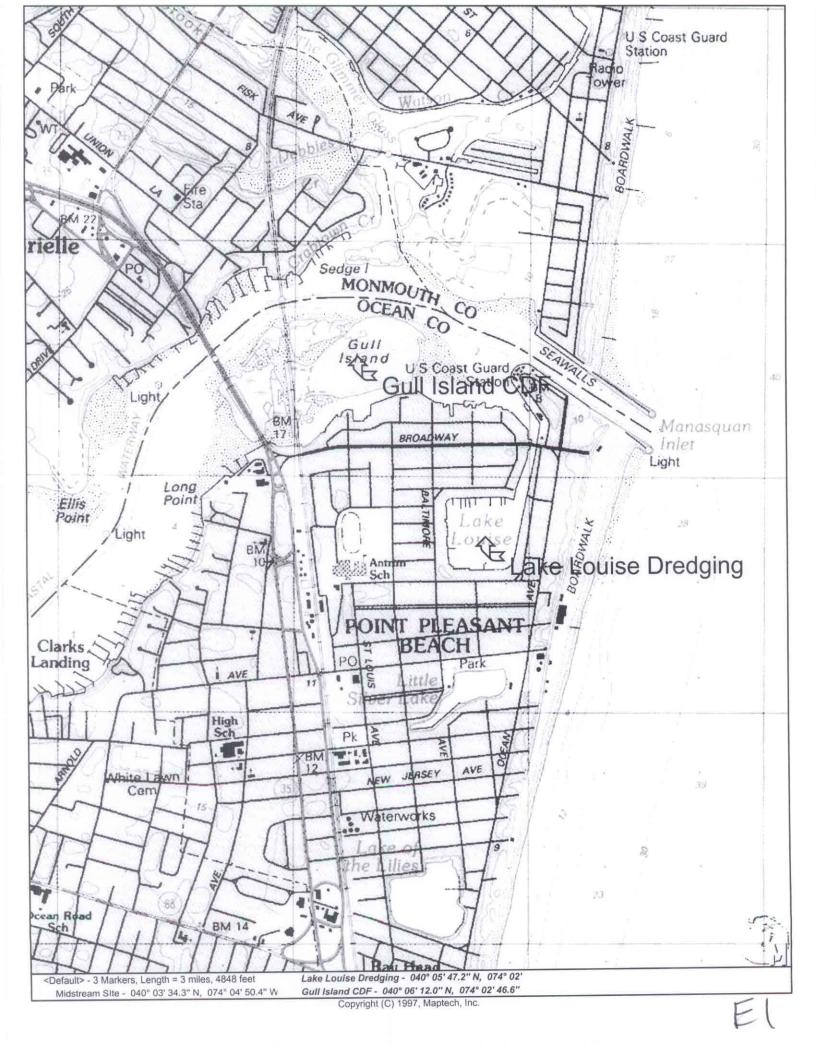
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling Mr. Michael H. Havduk at (215) 656-5822 between the hours of 1:00 and 3:30 p.m. or writing this office at the above address.

Samuel T Teegrobil

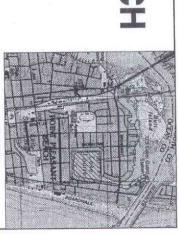
Chief, Regulatory Branch





# BOROUGH OF POINT PLEASANT BEACH OCEAN COUNTY, NEW JERSEY

PERMITTING PLANS FOR LAKE LOUISE RESTORATION PROJECT



# ESTIMATE OF QUANTITIES

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JAMES LIOTTA, COUNCIL PRESIDENT

MAYOR AND COUNCIL
THOMAS VOGEL, MAYOR

MICHAEL LOUGHRAN

BOROUGH ADMINISTRATOR

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BOROUGH ATTORNEY

MUNICIPAL CLERK
MARYANN ELLSWORTH



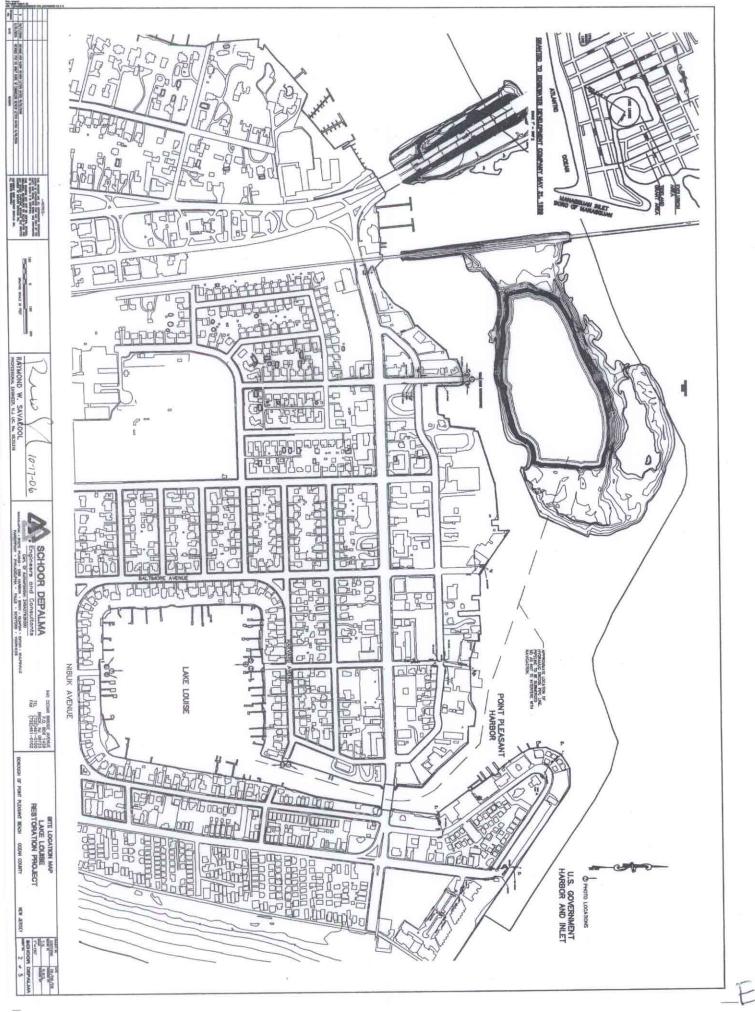
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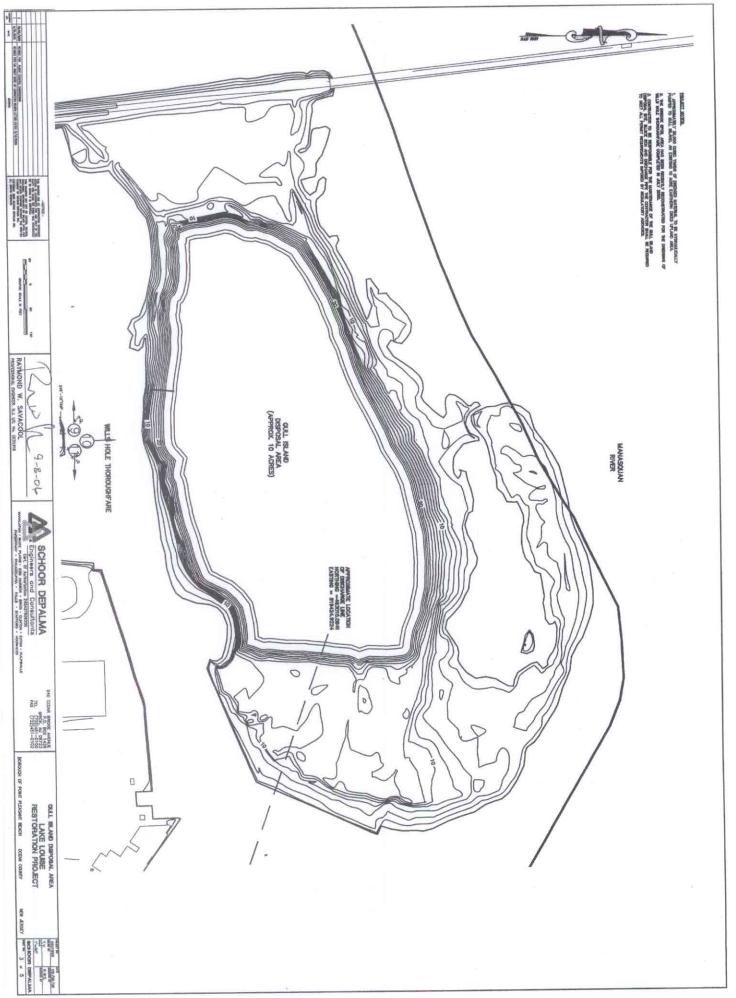
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PROFESSIONAL ENGINEER IJC, NO. GE35318
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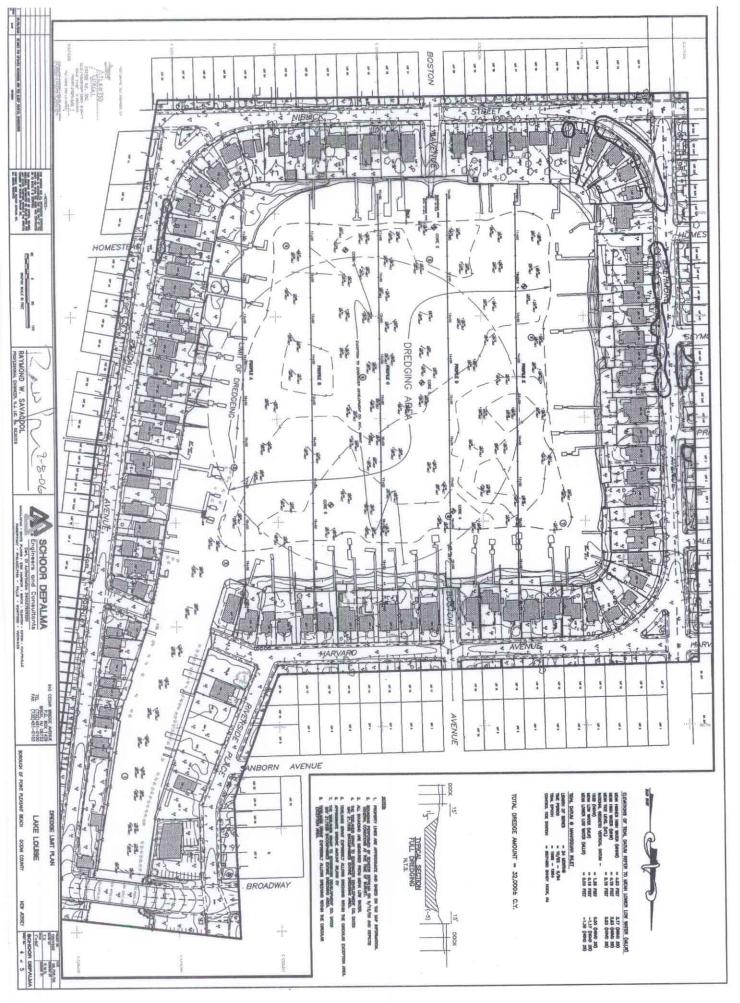
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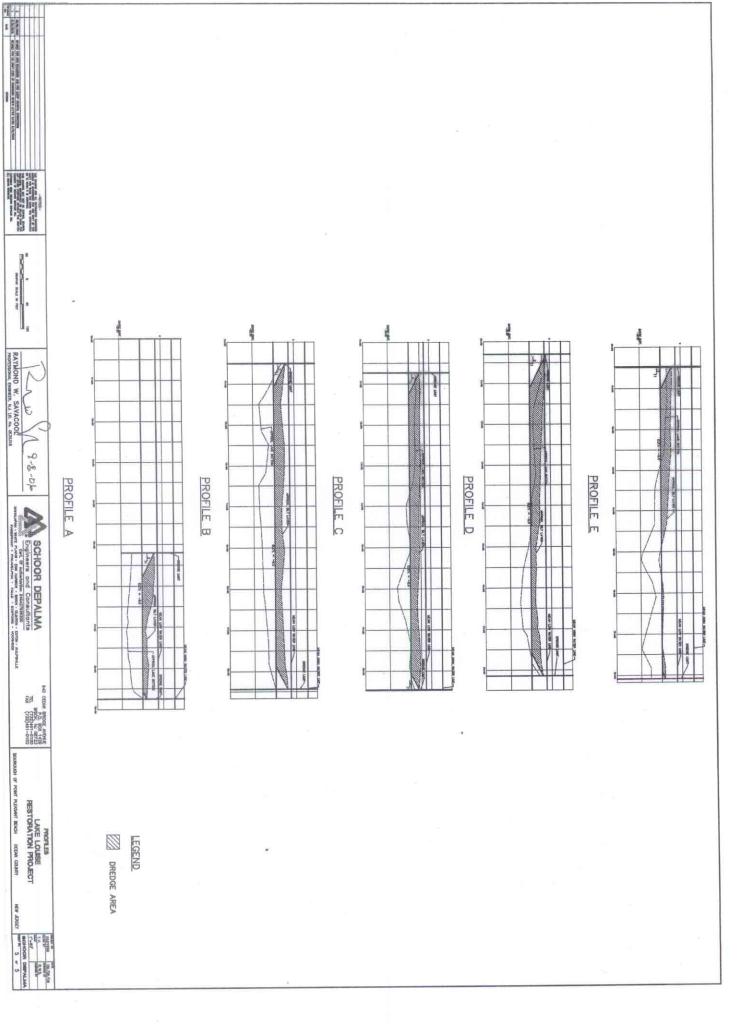


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